

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 are presently pending in this case. Claims 1-11 are amended and new Claims 12-18 are added by the present amendment. As amended Claims 1-11 and new Claims 12-18 are supported by the original claims, no new matter is added.

In the outstanding Official Action, the abstract was objected to; and Claims 1-7, 10, and 11 were rejected under 35 U.S.C. §101. Claims 8 and 9 were allowed.

Applicant acknowledges with appreciation the allowance of Claims 8 and 9.

With regard to the objection to the abstract, the abstract is amended herewith to place it in conformance with U.S. practice. No new matter is added. Accordingly, the objection to the abstract is believed to be overcome.

With regard to the rejection of Claims 1-7, 10, 11 under 35 U.S.C. §101, MPEP §2106 makes clear that computer programs are often recited as part of a claim. U.S.P.T.O. personnel should determine whether the computer program is being claimed **as part of an otherwise statutory manufacture or machine**. In such a case, the claim **remains statutory irrespective of the fact that a computer program is included in the claim.**¹

Further, it is respectfully noted that Claims 1-7 are directed to an information processing device and recite means-plus-function terminology. Proper claim interpretation of a means-plus-function (35 U.S.C. §112, sixth paragraph) element entails consideration of the structures disclosed in the specification and equivalents thereof. In determining the scope of the claims prior to determining compliance with each statutory requirement for patentability, MPEP §2106 provides:

Office personnel are to correlate each claim limitation to all portions of the disclosure that describes the claim limitation. This is to be

¹ See MPEP §2106.01(I)

done in all cases, i.e., whether or not the claimed invention is defined using means or step plus function language. The correlation step will ensure that office personnel will correctly interpret each claim limitation. (emphasis added).

Thus, it is respectfully submitted that the rejection under 35 U.S.C. §101 of at least Claims 1-7 are improper as these claims clearly recite apparatus claim limitations in means-plus-function format. It is respectfully submitted that properly construing these means-plus-function elements will require construing that these elements to include hardware.

With regard to Claims 10 and 11, these claims are amended to recite a computer readable medium, which is an article of manufacture. Accordingly, Claims 10 and 11 are believed to recite statutory subject matter.

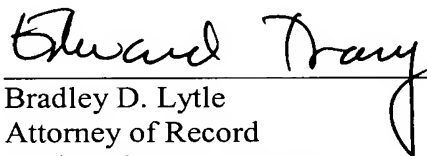
Consequently, Claims 1-7, 10, 11 are believed to be in compliance with all requirements under 35 U.S.C. §101.

New Claims 12-18 are supported at least by original Claims 1-7. As new Claims 12 and 18 recites a hardware components such as "a transmitter," it is respectfully submitted new Claims 12-18 are also in compliance with all requirements under 35 U.S.C. §101.

Accordingly, the outstanding rejection is traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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